

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA RECEIVED  
NORTHERN DIVISION

PAUL POGUE and ]  
PAUL POGUE, in his capacity ]  
as owner of SURVEYORS' PARK ]  
Plaintiff, ]

Vs. ]

TONY CHANDLER, in his ]  
individual and official ]  
capacity, SANDY G. ]  
ROBINSON, a for-profit ]  
Representative of INTERNATIONAL ]  
PAPER COMPANY, **DANNY CLARK**, in ]  
his individual and official ]  
capacity, and A, B, & C who ]  
are those people, partnerships, ]  
associates, corporations or ]  
agents who participated in the ]  
actions made the basis of this ]  
Complaint and who are ]  
presently unknown to the ]  
Plaintiff, but who will be ]  
added as Defendants when ]  
ascertained. ]  
Defendants. ]

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Civil Action No. 2:06-CV-148-MHT

**Motion for Relief from Magistrate's Stay and**  
**Grant Plaintiff Meaningful Access to the Court**

Comes Now the Plaintiff in this case and move  
this honorable Court to lift the "Stay of  
Proceedings" Order issued by the honorable  
Magistrate. Plaintiff supports this Motion as  
follow:

1. Plaintiff contends that the honorable Magistrate's Order amounts to a modification of the practice of civil litigation before the federal judiciary in violation of the U.S. Article Three and the complementing U.S. Constitutional Amendments.

2. Plaintiff further contends that the Magistrate's Order constitutes reversible error because it contravenes the expressed provisions of the federal laws pertaining to the filing of a lawsuit and the use and enjoyment of what is understood to be meaningful access to this federal Court.

3. The magistrate's stay Order wrongfully assumes that Plaintiff is the United States Postal Authority. Plaintiff is not the U.S. Postal Authority and Plaintiff is without jurisdiction to represent the federal postal authority.

4. The Magistrate's stay Order wrongfully

assumes that Plaintiff is the United States Clerk of the Middle District of Alabama. Plaintiff is not the U.S. Clerk of Court and Plaintiff is without jurisdiction to represent the federal clerk.

5. The Magistrate's Order identify several acts (Clerk/postal situation) but does not express just what Plaintiff did to warrant a stay of proceedings.

6. Plaintiff does not challenge the legitimacy of the Magistrate's statutory authority to act, but the Plaintiff does challenge the standard of review for which she based her rationale.

7. The honorable Magistrate's stay of Proceedings Order Misconstrues Plaintiff appearance before this honorable Court. The Magistrate's Order seems to treat Plaintiff's Complaint as one filed pursuant to the authority cited as 28 U.S.C. section 1915.

8. Plaintiff learned in law school that there

is a difference between the court's ability to dismiss an action under section 1915(d) and its regular right to dismiss an ordinary civil action under Rule 12(b) (6).

9. In this Case and at this point, the honorable Court is encouraged to accept the pleadings of the Plaintiff as true and examine only the legal adequacy of the Complaint of Plaintiff. See Conley v. Gibson, 335 U.S. 41 (195).

Wherefore, Plaintiff seeks the following relief.

1. That this honorable Court lift the stay provisions of the honorable magistrate's Order.
2. Reinstate the Complaint and the workings of the federal rules of civil procedure.
3. Grant Plaintiff that which is fair under the circumstances.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul Pogue", is written over a horizontal line.

PAUL POGUE and PAUL POGUE  
FOR SURVEYORS' PARK  
301 Kahn Street  
The Mays Building

Done this 14<sup>th</sup> day of March 2006.

Certificate of Mailing

I hereby certify that I have this day mailed or placed in the U.S. Mail, postage prepaid, an exact copy of the above pleading to the following parties, this the 14<sup>th</sup> day of March, 2006.

Mr. Danny Clark, 1349 County Road No. 61, Clanton, Alabama 35046.

Ms. Sandy G. Robinson, 63 South Royal Street, Suite 700, Mobile, Alabama 36602.

Mr. Tony Chandler, 2584 Ridge Road, Brewton, Alabama 36426.

U.S. Postal Authority, Washington DC.

P.P.

A handwritten signature, possibly reading "RR", is written over a horizontal line.